

exclusively, commencing on the first Monday of January and the first Monday of July, respectively, in each year.

41. In all cases in the Circuit Court for Frederick county, where at the trial thereof exceptions shall be taken to any opinion or direction of the court, and an appeal or writ of error shall be taken or sued forth, from or upon the judgment of the court, all the exceptions of all the parties plaintiffs and defendants, that may have been taken, and whether the appeal or writ of error be taken or sued by all or any of said parties, shall be certified to the Court of Appeals, as part of the transcript of the record to that court, and shall by said court be decided; and the decision of said court in the premises, if the cause be remitted to the Circuit Court, shall be accordingly certified to the Circuit Court.

42. All exceptions as aforesaid, shall be certified to the Court of Appeals, although the bills relating to any of them shall not have been actually drawn at length, or signed by the court before the verdict shall have been recorded in the cause; and although, either before or after such verdict, the party or parties excepting, shall offer to withdraw such exceptions; and in such case, if the excepting party or parties shall refuse or fail to draw or submit to the court such exceptions, the same may be drawn or submitted by the opposite party or parties; and when ascertained and corrected, and settled by the court to conform to the evidence and to the points or prayers embraced in the exceptions, they shall be signed and sealed by said court, and avail as if drawn and signed in the usual manner: *Provided*, that no exceptions taken by the party not appealing or suing a writ of error as aforesaid, shall be certified as aforesaid, if such party by his consent shall agree in writing, and file the agreement in the cause, not to avail himself at any future trial, of the point or prayer made or involved in such exception, which agreement shall preclude the said party from availing himself, at any future trial as aforesaid, of such point or prayer.

43. Nothing contained in the last two preceding sections shall debar the parties in any cause from waiving by consent, the right of having any of the exceptions on either side, as aforesaid, certified as herein provided to the Court of Appeals.